

# Tennessee Board of Dentistry

# Newsletter



Fall 2003

A regulatory agency of the State of Tennessee

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## Ethics Rules Become Effective

The new rules governing ethics of dental professionals become effective January 3, 2004. Rule 0460-1-.13 is as follows:

- ◆ For licensed dentists, the Board adopts, as if fully set out herein and to the extent that it does not conflict with state law, rules or Board Position Statements, the American Dental Association (ADA) Principles of Ethics and Code of Professional Conduct as it may, from time to time, be amended. A copy of the ADA Principles of Ethics and Code of Professional Conduct may be obtained by contacting the American Dental Association at 211 East Chicago Avenue, Chicago, IL 60611, or by phone at (312) 440-2500, or on the Internet at <http://www.ada.org>.
- ◆ For licensed dental hygienists, the Board adopts, as if fully set out herein and to the extent that it does not conflict with state law, rules or Board Position Statements, the American Dental Hygienists' Association (ADHA) Code of Ethics for Dental Hygienists as it may, from time to time, be amended. A copy of the ADHA Code of Ethics for Dental Hygienists may be obtained by contacting the American Dental Hygienists' Association at 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611, or by phone at (312) 440-8900, or on the Internet at <http://www.adha.org>.
- ◆ For registered dental assistants, the Board adopts, as if fully set out herein and to the extent that it does not conflict with state law, rules or Board Position Statements, the American Dental Assistants Association (ADAA) Principles of Ethics and Professional Conduct as it may, from time to time, be amended. A copy of the ADAA Principles of Ethics and Professional Conduct may be obtained by contacting the American Dental Assistants Association at 203 North LaSalle Street, Chicago, IL 60601-1225, or by phone at (312) 541-1550, or on the Internet at <http://www.dentalassistant.org>. ☺



## New Rules Regulating Certification Courses Became Effective December 1, 2003



The new rules regulating certification courses became effective December 1, 2003. The certification courses which are regulated by this rule are as follows:

- Administration & Monitoring of Nitrous Oxide
- Coronal Polishing
- Sealant Application
- Monitoring Nitrous Oxide

The administration & monitoring of nitrous oxide certification courses can be offered independently or as a part of the curriculum taught by a dental hygiene school. The new rules establish minimum standards for admissions, facilities, instructors, equipment, and curriculum which each course must comply with. To obtain approval for a certification course that is taught either independently or within a dental hygiene school, the owner/director of the certification course is required to apply for approval from the Board at least 30 days prior to the next regularly scheduled Board meeting in order for the Board to review the application.

The coronal polishing certification courses can be offered to dental assistants who qualify based on Rule 0460-4-.04(2). **It is now the responsibility of the course to verify the eligibility of dental assistants for admittance to the course.** The Board of Dentistry no longer requires approval by the Board's Administrative Office for admittance to the course. The new rules establish minimum standards for admissions, facilities, instructors, equipment, and curriculum which each course must comply with. To obtain approval for a certification course, the owner/director of the certification course is required to apply for approval from the Board at least 30 days prior to the next regularly scheduled Board meeting for the Board to review the application.

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## New Rules Regulating Certification Courses

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The sealant application certification courses can be offered independently or as a part of the curriculum taught by an ADA accredited or Board approved dental assisting program. The new rules establish minimum standards for admissions, facilities, instructors, equipment, and curriculum which each course must comply with. To obtain approval for a certification course that is taught either independently or within a dental assisting program, the owner/director of the certification course is required to apply for approval from the Board at least 30 days prior to the next regularly scheduled Board meeting in order for the Board to review the application.

The monitoring nitrous oxide certification courses can be offered independently or as a part of the curriculum taught by an ADA accredited or Board approved dental assisting program. The new rules establish minimum standards for admissions, facilities, instructors, equipment, and curriculum which each course must comply with. To obtain approval for a certification course that is taught either independently or within a dental assisting program, the owner/director of the certification course is required to apply for approval from the Board at least 30 days prior to the next regularly scheduled Board meeting in order for the Board to review the application.

The application for course approval for each course is available thru the Board's Administrative Office and will be on the Board's website at a later date. ☺

### Reporting Violations of Statutes and Rules

If you know that a dental professional is practicing without a license or registration, practicing outside their scope of practice, or in violation of any of the statutes and rules, you can report the dental professional to the Office of Investigations at 1-800-852-2187 or by downloading a complaint form from the Board's web site. Complaints can be filed anonymously.

## Scope of Practice Rules Became Effective December 1, 2003



The new rules updating Rule 0460-3-.09, the scope of practice for licensed dental hygienists and Rule 0460-4-.08, the scope of practice for registered dental assistants became effective December 1, 2003.

This rule lists the procedures which are delegable or assignable to licensed dental hygienists and registered dental assistants along with procedures which are prohibited from being delegated or assigned to dental hygienists or registered dental assistants.

Procedures listed in these rules as delegable or assignable shall not be assigned to unlicensed dental hygienists or unregistered dental assistants. Dental assistant students who are actively enrolled in either ADA accredited or Board approved dental assisting programs may concurrently perform procedures delegable or assignable to registered dental assistants to obtain the clinical experience necessary to complete such program. These procedures are not permitted to be performed before entering an accredited or approved program or after completion of the program unless the dental assistant has become a registered dental assistant.

Excerpts from this rule were printed in the Winter 2003 Newsletter and the full text of the rule is available on the Board's web site. ☺



## Rule Changes Effective January, 2004

In addition to the new rules mentioned in other articles of the newsletter, the following rules will become effective January 3, 2004:

- ♦ **Criteria (Reciprocity) Licensure:** This rule creates a licensure method for dentists to apply for licensure based on either at least five years experience working and/or teaching in another state or at least two years working and/or teaching in another state and successful completion of an examination administered by another state which is substantially equivalent to the examination required for initial licensure in Tennessee. The Board will evaluate and determine the appropriateness of such examination. Refer to T.C.A. §63-5-110(b) and Rule 0460-2-.01(1) and (3) for more information. The application for licensure by this method is available on the Board's web site or by calling the Board's Administrative Office.
- ♦ **Limited Licensure:** This rule creates a licensure method for dentists who have completed a dental school which is equivalent to either a D.D.S. or D.M.D. degree and successfully completed an ADA accredited graduate training program in a recognized specialty branch of dentistry to practice in ADA accredited institutions, dental education programs, or in federally-designated health professional shortage areas. Refer to T.C.A. §63-5-110(e) and Rule 0460-2-.03(1) and (2) for more information. The application for licensure by this method is available on the Board's web site or by calling the Board's Administrative Office.
- ♦ **Universal Precautions for the Prevention of HIV Transmission:** This rule change adopts Rules 1200-14-3-.01 through 1200-14-3-.03 of the Department of Health as the Board's rules governing the process for implementing universal precautions for the prevention of HIV transmission for dental professionals.
- ♦ **Dental Records:** The Board deleted the dental records Rule 0460-2-.11(5) and created Rule 0460-2-.12 regulating dental records. The new rules are, in part, as follows:
  - Content of the dental record – regulates what must be recorded in a dental record and the x-rays and x-ray interpretations are considered to be part of the dental records;
  - Transfer of records of dentists upon death or retirement or upon departure from a group;
  - Transfer of records upon sale of a dental practice;
  - Abandonment of records without making provision for the dental records;
  - Retention of dental records – Dental records must be retained for at least seven years from the last professional contact with the patient. There are three exceptions listed in this rule. Refer to 0460-2-.12(g) for the complete text;
  - Destruction of dental records – This rule regulates when and how a dental record may be destroyed. It also requires that records be maintained regarding destroyed records for future reference.
  - A violation of the dental records rules is grounds for disciplinary action pursuant to T.C.A. §§63-5-124(a)(1), and/or(2).

A copy of the full text of the effective rules, as amended, will be available in the "Rules and Regulations" section of the Board's web site after the effective date of each rule. ☺



## Continuing Education Requirements Clarified

The continuing education requirements were changed as reported in the Summer 2003 Newsletter. The Board's Administrative Office is receiving calls from licensees who are unclear of the requirements for continuing education.

The changes were made to comply with the statute change to T.C.A. §63-5-107(c)(1) which changed the CE requirements from an annual (yearly) requirement to a biennial (every two years) requirement. The new rules require all dental professionals (including all registered dental assistants) to complete the required CE hours **biennially, instead of annually starting January 1, 2003. Dentists, dental hygienists, and registered dental assistants must complete two of the required hours in the area of chemical dependency education.** The changes are as follows:

- Each licensed dentist must successfully complete 40 hours of approved CE biennially.
- Each licensed dental hygienist must successfully complete 30 hours of approved CE biennially.
- Each registered dental assistant must successfully complete 24 hours of approved CE biennially in courses concerning procedures which are delegable or assignable to registered dental assistants.
- CE cycles will run from January of an odd-numbered year (2003, 2005, etc.) to December of an even-numbered year (2004, 2006, etc.).
- **New licensees** are exempt from CE requirements during their initial two calendar year cycle starting with an odd-numbered year if the license was issued during an odd-numbered year **or** with the preceding odd-numbered year if the licensee was issued in an even-numbered year. Example: If a dentist or dental hygienist was licensed or a dental assistant was registered in the year 2003 or 2004, the CE cycle would start January 1, 2005.

**For the 2003 – 2004 continuing education cycle, dentists are required to complete 40 hours, dental hygienists are required to complete 30 hours, and registered dental assistants are required to complete 24 hours.** Licensees can complete all of the hours in either 2003 or 2004 **or** complete part of the hours in 2003 and the rest in 2004. It is up to the licensee as to when they get the required hours as long as they are completed by December 31, 2004.

**Hours obtained in one cycle do not carry over into the next cycle.** Example: A dentist completes 50 hours before December 31, 2004. That dentist cannot carry over the extra 10 hours into the 2005 – 2006 CE cycle.

**Continuing education cycles are not the same as renewal cycles.** CEs will always run from January of an odd year to December of an even year. Example: January 1, 2003 – December 31, 2004, January 1, 2005 – December 31, 2006, etc.).

**Renewals are based on a birthday renewal cycle.** Licenses expire the month of your birthday either in an even year or an odd year, based on if you were born in an even or odd year. Example: If a licensee was born May 15, 1955, then the license will expire May 31<sup>st</sup> of every odd year (i.e. 2003, 2005, 2007, etc.).

A copy of the full text of the effective rules, as amended, are available in the "Rules and Regulations" section of the Board's web site and the "Continuing Education" section contains the requirements for CE as amended. 🦷

## Regional Examinations and Criteria Licensure



Effective November 1, 2003, the Tennessee Board of Dentistry started accepting all four regional examinations for initial licensure for dentists and dental hygienists. The regional examinations accepted are as follows:

- ❖ Southern Regional Testing Agency (SRTA)
- ❖ North East Regional Board of Dental Examiners (NERB)
- ❖ Western Regional Examining Board (WREB)
- ❖ Central Regional Dental Testing Service (CRDTS)

Applicants applying for licensure by examination will be required to submit scores from one of these regional examinations instead of just SRTA. If the regional examination scores are more than five years old, the applicant will be required to appear before the Board at the next regularly scheduled board meeting for an interview.

If a dental hygienist has practiced full-time three out of the last five years, they can apply by criteria instead of by examination even if they have taken one of these examinations. The passing scores from the examination must be received even if applying by the criteria method.

If a dentist qualifies, they can apply by criteria instead of by examination even if they have taken one of these examinations. The passing scores from the regional examination(s) must be received even if applying by the criteria method. Refer to T.C.A. §63-5-110, Rule 0460-2-.01 and the Rules Changes Effective January, 2004 article for more information.

The application for licensure by examination is available on the Board's web site and the application for licensure by criteria will be available on the Board's web site in January. 🦷

### Active Licenses as of October 31, 2003

Dentists	3257
Dental Hygienists	3158
Registered Dental Assistants	4122

## Clarifications on New Anesthesia and Sedation Rules



The Summer 2003 Newsletter addressed the new anesthesia and sedation rules. There are two items that need to be clarified from that article. They are as follows:

- If the dentist administers conscious sedation by either enteral, inhalation-enteral or parenteral methods to patients 13 years or under, a comprehensive conscious sedation permit is required.
- The Board had stated at their May meeting that dentists who administer nitrous oxide and an anti-anxiety medication are required to obtain at least a limited conscious sedation permit. The Board is reconsidering that determination based on input from the Anesthesia Committee. Dentists are not required to obtain a permit to administer nitrous oxide and an anti-anxiety medication unless the patient reaches a level of sedation. In determining the level of sedation, refer to Rule 0460-2-.07(3) for more information.

If you have additional questions, please address them, in writing, to the Board at the address on page 1 of this Newsletter. 🦷



## Certifications & Permits Available for Dental Professionals



There are several certifications and permits available for dental professionals to add to their license/registration. Additional education is required for each of the certifications or permits and some certifications require passage of an examination before issuance. They are printed at the lower left corner of the renewal certificate (5 x 7) and on the back of the wallet card and verifications obtained from the board's automated telephone system lists certifications and permits under special endorsements. Violations of the rules governing each certification and/or permit may subject the dental professional to disciplinary action. If a dental hygienist or dental assistant performs procedures which require certification without obtaining the proper certification, the supervising dentist may also be subject to disciplinary action. For dentists, the following can be added to their license:

- ◆ **Specialty Certification** – this is a certification required before any dentist can hold themselves out as a specialist in Tennessee. This applies to any dentist who has completed an American Dental Association accredited specialty program. It also applies to specialists who are American Board Certified in that specialty. An examination is required for most specialties if the dentist is not a diplomate in the American Board for that specialty. A dentist who advertises or holds themselves out as specialist without specialty certification issued by the Board of Dentistry is subject to disciplinary action.
- ◆ **Limited Conscious Sedation Permit** – this permit applies to any dentist who administers inhalation/enteral or enteral conscious sedation on anyone over the age of 13 in their practice.
- ◆ **Comprehensive Conscious Sedation Permit** – this permit applies to any dentist who administers enteral or inhalation/enteral conscious sedation on children 13 years or younger or parenteral conscious sedation on children or adults.
- ◆ **Deep Sedation/General Anesthesia Permit** – this permit applies to any dentist who administers/utilizes deep sedation or general anesthesia in their practice.

Dentists who administer/utilize conscious sedation or deep sedation/general anesthesia without the proper permit are subject to disciplinary action by the Board. If a conscious sedation course was not completed during an ADA accredited post-graduate training, completion of a board approved educational course is required. A list of the board approved courses (limited and comprehensive) is available at the board's web site. The education required for the deep sedation/general anesthesia permit must be obtained during post-graduate training as outlined in Rule 0460-2-07(7)(a)(i). Dentists who hold IV sedation or general anesthesia permits must apply for the new comprehensive conscious sedation or deep sedation/general anesthesia permit.

For dental hygienists, the following certifications can be added to their license. Dental hygienists who possess either of these certifications must be under direct supervision when performing the duties allowed by the certification. Dental hygienists must practice under direct supervision but may practice under general supervision as allowed by the statutes and rules the procedures not specifically required to be performed under direct supervision by the statutes and/or rules.

- ▽ **Administration and Monitoring of Nitrous Oxide Certification** – this certification is required before a dental hygienist can administer or monitor nitrous oxide. A board approved educational course, whether offered independently or as a part of the curriculum of an ADA accredited dental hygiene school, must be completed and the certification must be added to the dental hygienist license before the dental hygienist can legally administer and monitor nitrous oxide. Licensed dental hygienists, who have successfully completed an ADA accredited dental hygiene program which includes an ADA accredited course on nitrous oxide administration and monitoring, which is comparable to the board approved course, can apply directly to the Board for certification in administering and monitoring nitrous oxide without additional training if the board approves the course as comparable to the course required in Tennessee. Any hygienist who holds a certification in monitoring nitrous oxide (issued before December 1, 2003) may only monitor until they complete a board approved educational course in administration and monitoring of nitrous oxide and the certification is added to their license. A list of the board approved educational courses is available at the board's web site.

- ▽ **Monitoring Nitrous Oxide Certification** – this certification was issued to dental hygienists who took a board approved monitoring course **before** the administration and monitoring rules became effective on December 1, 2003. This certification does not permit the dental hygienist to administer nitrous oxide.

**Note:** The rules for the administration and monitoring of nitrous oxide became effective December 1, 2003. Courses will not be approved by the board until the January 2004 board meeting.

For dental assistants, the following can be added to their registration. Registered dental assistants must be under direct supervision at all times.

- \* **Coronal Polishing Certification** – this certification is required before a dental assistant can perform coronal polishing on patients. The registered dental assistant must be registered for at least one year **or** a registered dental assistant who is also a certified dental assistant with at least one year of clinical experience in another state before they qualify to take the board approved educational course. A list of the board approved educational courses is available at the board's web site. After the successful completion of the educational course, the registered dental assistant must successfully complete the written and clinical examination administered by the Board each January and September at Meharry School of Dentistry.
- \* **Nitrous Oxide Monitoring Certification** – this certification is required before a registered dental assistant can monitor nitrous oxide. The registered dental assistant must complete a board approved course or have completed an ADA accredited or board approved dental assisting program which is approved by the board to include the monitoring nitrous oxide course in the curriculum for their students. Students who complete this course during their dental assisting program are not permitted to monitor nitrous oxide until they have become a registered dental assistant with the nitrous oxide monitoring certification added to their registration. A list of board-approved courses is available at the board's web site.
- \* **Sealant Application Certification** – this certification is required before a registered dental assistant can apply sealants. The registered dental assistant must complete a board approved course or have completed an ADA accredited or board approved dental assisting program which is approved by the board to include the sealant application course in the curriculum for their students. Students who complete this course during their dental assisting program are not permitted to apply sealants until they have become a registered dental assistant with the sealant application certification added to their registration. A list of board-approved courses is available at the board's web site.

**Note:** The rules for sealant application and regulating schools/programs conducting coronal polishing, monitoring nitrous oxide and sealant application became effective on December 1, 2003. These courses will not be approved by the board until the January, 2004 board meeting. Schools/programs previously approved by the board for coronal polishing and monitoring nitrous oxide now are required to annually seek approval from the board before conducting these courses. ☺

### Certifications and Permits Issued as of October 31, 2003

<b>Dentist</b>	
Endodontics	58
Oral and Maxillofacial Surgery	144
Oral Pathology	4
Orthodontics and Dentofacial Orthopedics	175
Pediatric	103
Periodontic	56
Prosthodontic	20
Limited Conscious Sedation	15
Comprehensive Conscious Sedation	106
Deep Sedation/General Anesthesia	131
<b>Dental Hygienist</b>	
Monitoring Nitrous Oxide	1034
Administration and Monitoring of Nitrous Oxide	*0
<b>Dental Assistant</b>	
Coronal Polishing	924
Monitoring Nitrous Oxide	1120
Sealant Application	*0

\* Rules regulating these do not become effective until 12/1/03.

Note: Some licensees hold more than one certification or permit.



## Disciplinary Action



The Board, at its meeting in September of 2003, took the following disciplinary actions:

### **Andrews, Tena A. – License No. DS 4637**

Failure to report malpractice settlement to the Board within 30 days as required by T.C.A. §63-51-117(d). Respondent was reprimanded.

### **Hamilton, Diane M. – License No. RDH 2321**

Unprofessional conduct, habitual intoxication or personal misuse of any drug, and violation of an order of the Board. Respondent was placed on probation for seven years with a seven year stayed suspension, must maintain a contract and advocacy with the Concerned Dental Professionals Committee for seven years, submit to random drug screens, and was ordered to pay \$500 and costs.

### **Hampton, Billy H. – License No. DS 3391**

Unprofessional conduct, action taken by the State of Alabama, regarding drug abuse and prescribing to self and wife. Respondent was placed on five years probation, required to have submitted quarterly reports to Board from Alabama Dental Professional Wellness Committee, complete 50 hours of continuing dental education within six months and assessed \$2,500 civil penalty and costs.

### **McLemore, III, James P. - License No. DS 4243**

Failure to report malpractice settlement to the Board within 30 days as required by T.C.A. §63-51-117(d). Respondent was reprimanded.

### **Phillips, Paul J. - License No. DS 4350**

Unprofessional conduct, failure to maintain dental records as required by rule and statute. Respondent was reprimanded.

### **Ray, David A. - License No. DS 1903**

Inaccurate documentation of pharmaceuticals prescribed. Respondent was reprimanded.

### **Simmons, Christopher M. – License No. 3804**

Unprofessional conduct, violation of criminal statutes of the state of Tennessee, habitual intoxication and personal misuse of any drugs or stimulants, including nitrous oxide sedation, in such manner as to adversely affect the person's ability to practice dentistry, dispensing or prescribing any controlled substance or any other drug not in the course of professional practice, and engaging in the practice of dentistry when mentally or physically unable to safely do so. Respondent was placed on probation for five years with a one year stayed suspension, ordered to maintain the advocacy of the Tennessee Concerned Dental Professionals Committee for five years, must appear personally before the Board to request the lifting of the probation and was ordered to pay costs.

### **Stump, Gary D. – License No. DS 7414**

Unprofessional conduct, violation or attempted violation of any provision of the statute, a pattern of continued or repeated negligence or incompetence in the course of dental practice, habitual intoxication or personal misuse of any drugs, including nitrous oxide sedation, in a manner as to adversely affect his ability to practice dentistry, engaging in the practice of dentistry when mentally or physically unable to safely do so, public communication containing a false, fraudulent, misleading or deceptive statement or claim, utilizing IV sedation without a permit issued by the Board, and advertising violations. Respondent was placed on probation for five years, advocacy of the Concerned Dental Professionals Committee for five years, appear before the Board annually, appear before the Board to list the probation and assessed \$7,000 civil penalty and costs.

### **Stump, Shirley L. – License No. RDA 8381**

Unprofessional conduct, violation or attempted violation of any provision of the statute and habitual intoxication or personal misuse of any drugs, including nitrous oxide sedation, in a

manner as to adversely affect her ability to practice as a registered dental assistant. Respondent was reprimanded.

### **Turnipseed, Dellwyn M. – License No. DS 3861**

Permitting directly or indirectly an unlicensed person to perform services or work which can be done legally only by persons licensed to practice as a registered dental assistant, and assigning tasks and procedures that are reserved for a duly licensed and registered dental assistant. Respondent was assessed \$1,000 in civil penalties and costs.

### **Werner, Ronald P. – License No. DS 2382**

Unprofessional conduct and disciplinary action in another state. Respondent was placed on probation, ordered to complete 12 hours of continuing education within one year, \$1,000 in civil penalties and costs.

### **Woods, William K. – License No. RDA 6924**

Unprofessional conduct, failure to document medications prescribed and failure to properly document patient records. Respondent was placed on probation for one year, shall complete the "Prescribing Controlled Drugs" course at Vanderbilt University Medical Center, was assessed a \$500 civil penalty and costs. ☞

### **Instructions for Accessing the Board's Web Site**

- ▶ <http://tennessee.gov/health>
- ▶ Licensing
- ▶ Health Professional Boards
- ▶ Select "Board of Dentistry"



## **Mandatory Information to be Reported Within 30 Days**

The following information is required by statute and/or rule to be reported to either the Board of Dentistry or the Department of Health within 30 days or less of the occurrence:

- ✓ All dental professionals must report mailing and practice address changes within 30 days of the change occurring.
- ✓ Dentists who have a sedation or anesthesia-related incident resulting in **patient injury**, which occurred when the patient was under the care of the dentist and required hospitalization, must send a written report to the board. The report must be received within 30 days of the incident. Refer to Rule 0460-2-.07(9)(b) for the information to be included in the written report.
- ✓ Dentists who have a **patient mortality** that is concurrent with a sedation or anesthesia-related incident must report to the board within **two working days** and a written report must be received within 30 days. Refer to Rule 0460-2-.07(9)(b) for the information to be included in the written report.
- ✓ Dentists are required to update their **Mandatory Practitioner Profile** within 30 days of a change in the information on file with the Healthcare Provider Information section of the Department of Health. To review the information on file, go to the Board's web site and click on licensure verification and viewing your licensure information.

Failure to report any of the above information can subject the dental professional to disciplinary action. ☞

Tennessee Board of Dentistry  
First Floor, Cordell Hull Building  
425 Fifth Avenue North  
Nashville, TN 37247-1010



**Report all address changes in writing within 30 days of the address change.**

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**Tennessee Board of Dentistry  
Board Members as of October 31, 2003**

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